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File No. O Workmens Compensation /48

Legal **DEPARTMENT**

A **BRANCH**

Subject:— opinions under the Workmen's Compensation Act, 1923.

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Std. Sectt. Slip 24 B e.

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CONFIDENTIAL

Legal Department File No.C.Workmen's Comp./43.

Sr. No.	Compilation No.	Subject	Pages
1	C.L.J.1933 20-7-33	Workmen's Compensation Act, 1923. Sec. 13 — Whether Court can claim to be indemnified under the—	1
2	C.L.J.1931 12-5-30	Post Office Act, 1898 Sec. 43 (1) — Whether the postal Deptt. is liable to make good the loss on account of payment of the money order to a wrong person.	2-3

1815

1815

Workmen's Compensation Act, 1923. Section 13.

Office of the R.L.A.

Under the circumstances of the case, Government n claim to be indemnified under section 13 of the Workmen's Compensation Act from both the driver and his employer. A civil suit will have to be filed against the employer Seawad Mali Sugar Factory and the driver (cf. R.L.A's No. 765, dated 19.1.1940

2. If it is decided to file a suit, a report under rules 108 to 112 of the Law Officers' Rule should be sent to this office at an early date.

Id/- P.M.L. 27/7

O.C.
Remembrancer of Legal Affairs.

U.O. to P.W.D., No.7052, dated the 28th July 1948.

KAN/17-5.
4 C.

contd. from p. 4

The facts are stated in the above note. The Post-Master General has rejected the claim for refund to Government of the amount of money-order which was wrongly paid by the Postal Department. In the circumstances, the Labour Department suggests that the only alternative is to write off the loss and make payment again to the injured workmen, Subaya Lamban. The papers are referred to the S.L.A., presumably for his opinion whether the Postal Department is liable to make good the loss on account of payment of the money order to a wrong person.

Under sub-section (1) of section 43 of the Post Office Act, 1898, the Central Government may provide for the remitting of small sums of money through the Post Office by means of money order, and may make rules as to such money orders. The relevant rules relating to the Inland Money Orders are contained in rules 258 to 270 (pp.80-82 of the Post and Telegraph Guide). Rule 263(1) provides that the remitter of a money-order must fill in ink, on a money order form the necessary entries, adding his signature or thumb mark at foot. All the entries made in the form must be legible and may be written in English or in a local Indian language of the district, either by the remitter himself or by any one on his behalf. Under sub-rule (2), the money order form duly filled in, together with the amount of the money order and commission must be presented at the post office window during the prescribed hours. Rule 264 provides that the name and address of the payee must be entered with such completeness as shall

secure and prevent risk of wrong payment. Rule 263 provides that the Post Office will not be responsible (i) for the wrong payment of a money order caused by incorrect or incomplete information given by the remitter as to the name and address of the payee, or (ii) for the payment of a money order being refused or delayed by or on account of any accidental neglect ~~or~~ omission or mistake by or on the part of an officer of the Post Office, or
(iii) for any wrong payment of a money order after the expiration of one year from the date of the issue of the order.

Attention is also invited to provisions contained in section 43 of the Act under which no suit or legal proceedings shall be instituted against the Crown or any officer of the Post Office in respect of matters specified in clauses (a) to (e).

Sub-rule (1) of rule 267 provides that the payment of a money order will ordinarily be made at the address of the payee on his signing the money order and acknowledgement and returning them to the postman the coupon shall be retained by the payee. Sub-rule (2) provides that if the money order is payable to a person who is not (i) permanently resident within the jurisdiction of the office of payment, or
(ii) personally known to the postmaster or any of his subordinates,

the money order will be paid only on satisfactory proof of the identity of the claimant with the person named in the money order. Under rule 268, the money order and acknowledgement must be signed

the payee named by the remitter, or by some

person authorised in writing by the payee in his behalf. In the present case, it is clear that as the postman did know Subaya Lamman, on proof of the identity having been given by Sankaran Nair, the postman paid the amount to the payee. In this connection attention is also invited to the observations of Bavdekar J in his "Summing Up" (vide pp.27-28 ante). It is clear that the provisions of rule 267(2) were complied with in paying the money order amount. When the accused has been acquitted, it follows that there is no evidence that the amount was paid to the accused and hence it cannot be recovered under section 47(b) of the Act. The only feasible course is that Government should pay the amount of compensation to the injured workman, Subaya Lamman. If approved the papers may be "seen and returned" with the remark that the view expressed in the Labour Department office note dated 7.7.43 is correct.

Id/-E.P.B. 11/9

A.L.P. I agree. Reply may be as at A.

Id/-R.T.K. 13/9

R.L.A. Id/-P.M.L. 13/9

H.O.A. to Labour Deptt. No.6781 dt.15/9/43.

EAB/17-9.
4 c.